

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 6, 2007
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Housh, Masica, and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Housh approving the Council Consent Agenda as presented with the exception of Agenda Item III.B., Lot Division - United Health Group - 9900 Bren Road.

Rollcall:

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

MINUTES OF THE REGULAR MEETING OF JANUARY 16, 2007, SPECIAL MEETING OF JANUARY 16, 2007, AND STUDY SESSION OF JANUARY 23, 2007*APPROVED** Motion made by Member Masica and seconded by Member Housh approving the Minutes of the Regular Meeting of January 16, 2007, Special Meeting of January 16, 2007, and Study Session of January 23, 2007, as presented.

Motion carried on rollcall vote - four ayes.

THANKS GIVEN TO THE CITY BY EDINA BASKETBALL ASSOCIATION Steve Spellman, President of the Edina Basketball Association read a letter of thanks from the Association for the new gymnasiums saying how much they were necessary and were now being used. Dick Ward, Past President of the Basketball Association, thanked Council Member Housh, member of the JPOC, and Park and Recreation for their commitment to the project. They presented the Park Department with a 35th Anniversary commemorative basketball and a framed 35th Anniversary t-shirt.

MINNESOTA RECREATION AND PARK ASSOCIATION AWARDS PRESENTED TO PARK DIRECTOR KEPRIOS AND ADAPTIVE RECREATION SUPERVISOR MILLER Michelle Snider, Executive Director of the Minnesota Recreation and Parks Association (MRPA) presented the 2006 Dorthea Nelson Award to Susie Miller, Adaptive Recreation Supervisor. Ms. Snider said Ms. Miller was selected for the award because she exemplified leadership and experience qualities in her field of recreation.

Ms. Snider presented Park Director Keprios with the 2006 Clifton E. French Distinguished Service Award. She explained the award was the highest distinction award presented by the MRPA to a professional who has demonstrated long and outstanding service to the profession and the MRPA.

RESOLUTION NO. 2007-23, VACATION OF DRAINAGE AND UTILITY EASEMENT APPROVED LOT 1, BLOCK 2, BRAEMAR HILLS 8TH ADDITION**APPROVED** Affidavits of Notice were presented, approved and ordered placed on file.

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Engineer Houle explained the vacation of existing public drainage and utility easement for Braemar Hills 8th Addition affected the newly platted Lot 1, 2, and 3, Block 1 of Hills of Braemar subdivision. He explained a blanket easement had existed over all of Outlot A and the new plat included three new buildable lots and a new Outlot A (common area). Mr. Houle said the new plat had not removed the original blanket easement creating a need to vacate and rededicate the entire blanket easement.

No one appeared to speak.

Member Masica made a motion, seconded by Member Housh closing the Public Hearing.

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

Member Masica introduced Resolution No. 2007-23 Vacating Drainage and Utility Easement for Lot 1, Block 2, Braemar Hills 8th Addition. Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

***PUBLIC HEARING - FINAL DEVELOPMENT PLAN, DJR ARCHITECTS/TOM MILLER (3201-3101 69TH STREET WEST) SITE REDEVELOPMENT CONTINUED TO MARCH 6, 2007** Motion made by Member Masica and seconded by Member Housh approving the public hearing for the Final Development Plan, DJR Architects/Tom Miller (3201-3101 69th Street West) site redevelopment be continued until March 6, 2007.

Motion carried on rollcall vote - four ayes.

RESOLUTION NO. 2007-24 APPROVING LOT DIVISION - UNITED HEALTH GROUP - 9900 BREN ROAD Member Bennett asked that Resolution No. 2007-24 approving the Lot Division for United Health Group at 9900 Bren Road be removed from the Consent Agenda for further information.

Member Bennett indicated she had received a call from a resident inquiring if a traffic study had been a part of the lot division and whether it was valid and could impact Edina. Mr. Houle noted that the City did not require a formal traffic study.

Director Teague said the project was a City of Minnetonka project and that an Environmental Assessment Worksheet (EAW) and a traffic study had been a part of that EAW. The project was for two, 10-story office buildings. He said one phase would require minor roadway improvements in the Opus Complex and the second phase would require some adjustments to the on-ramp. Mr. Houle reiterated that the interchange at Highway 169 had been studied and the Parkwood Knolls area will continue to be monitored. He added staff would work with the City of Minnetonka and State of Minnesota to address any citizens' concern.

Member Housh noted that Edina's part of the overall project was small and he questioned what type of input we might have. Attorney Gilligan said when Minnetonka did the EAW; concerns could have been brought forward. The project has been approved by Minnetonka and input was limited at this point.

Mayor Hovland said the strip of land lies in Minnetonka and he believed we should trust our neighbors.

Member Housh made a motion approving Resolution No. 2007-24, Lot Division for United Health Group at 9701 Data Park Drive. Member Masica seconded the motion.

Ayes: Housh, Masica, Hovland

Nays: Bennett

Motion carried.

***HEARING DATE SET OF FEBRUARY 20, 2007, FOR PLANNING MATTERS** Motion made by Member Masica and seconded by Member Housh setting February 20, 2007, as hearing date for the following planning matters:

1. Conditional Use Permit approval - City of Edina/Edina Fire Department - 6250 Tracy Avenue;

2. Ordinance No. 2007-03, Amending Section 850 of City Code Regarding Variance Denials; and

3. Preliminary Plat Approval - Haugland Company, 5000 France Avenue

Motion carried on rollcall vote - four ayes.

PUBLIC COMMENT No one appeared to speak.

***AWARD OF BID FOR THREE 2007 CHEVROLET MALIBU INSPECTION VEHICLES - BUILDING DEPARTMENT** Motion made by Member Masica and seconded by Member Housh approving the award of bid for three 2007 Chevrolet Malibu Inspection Vehicles for the Building Department to Car/Truck City at \$38,417.40, under State Contract #436647.

Motion carried on rollcall vote - four ayes.

***AWARD OF BID FOR TWO, THREE WHEEL DRIVE BUNKER RAKES - BRAEMAR GOLF COURSE** Motion made by Member Masica and seconded by Member Housh approving the award of bid for two, three-wheel drive bunker rakes for Braemar Golf Course to recommended low bidder, Turf Werks, at \$17,275.90.

Motion carried on rollcall vote - four ayes.

***AWARD OF BID FOR ONE ARTICULATED TRACKLESS SIDEWALK PLOW WITH ATTACHMENTS FOR PUBLIC WORKS DEPARTMENT** Motion made by Member Masica and seconded by Member Housh for award of bid for one articulated trackless sidewalk plow with attachments for the Public Works Department to recommended sole bidder, MacQueen Equipment Company under State Contract #430811 at \$95,778.65.

Motion carried on rollcall vote - four ayes.

***AWARD OF BID FOR UTILITY TRACTOR FOR PARK MAINTENANCE DEPARTMENT** Motion made by Member Masica and seconded by Member Housh for award of bid for a utility tractor for the Park Maintenance Department to recommended sole bidder, John Deere Company, under Minnesota State Contract Bid #43791, at \$32,908.50.

Motion carried on rollcall vote - four ayes.

***AWARD OF BID FOR JOHN DEERE MOWER FOR PARK MAINTENANCE DEPARTMENT** Motion made by Member Masica and seconded by Member Housh for award of bid for one John Deere Mower for the Park Maintenance Department to recommended sole bidder, John Deere Company, under Minnesota State Contract Bid #436931, at \$16,362.92.

Motion carried on rollcall vote – four ayes.

BID AWARDED FOR CONTRACT NO. ENG 07-1 - PUMPING FACILITY MAINTENANCE FOR WELL NO. 10, IMPROVEMENT NO. WM-467 Mr. Houle explained Well No. 10, located at 7636 Parklawn Avenue was scheduled for general overhaul and renovation. The project was part of the Capital Improvement Program and would include mechanical and electrical upgrades to Treatment Plant No. 3 and 4 due to additional treatment required at these plants. He said the improvement would be funded by the Water Utility Fund.

Member Masica inquired whether only one bid was received. Mr. Houle noted the bid from EnComm Midwest was received on time for the bid opening and a second bid arrived too late to be considered.

Motion made by Member Masica approving the bid award for Contract No. ENG. 07-1, Pumping Facility Maintenance for Well No. 10, Improvement No. WM-467, to recommended sole bidder EnComm Midwest, Inc., at \$247,247.00. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

RESOLUTION NO. 2007-20 APPROVED LOCAL GOVERNMENT'S SUSTAINABILITY - CITIES FOR CLIMATE PROTECTION Assistant Manager Worthington noted at the Council meeting on January 16, 2007, staff was asked to review information on ICLEI (Local Governments for Sustainability) Cities for Climate Protection Campaign and the U.S. Mayors Climate Protection Agreement endorsing resolution. A staff review of the requirements for ICLEI membership was ongoing.

Ms. Worthington elaborated that Local Governments for Sustainability membership was separate from the endorsement of the resolution regarding the U.S. Mayors Climate Protection Agreement and has requirements as follows:

1. Conduct a baseline emissions inventory and forecast
2. Adopt an emissions reduction target
3. Develop a local action plan
4. Implement emission reduction measures and policies
5. Monitor and verify results

A full presentation about ICLEI Membership will be on a March Council Agenda following a thorough assessment of resource needs by the City.

Ms. Worthington encouraged the Council to endorse the U.S. Mayors Climate Protection Agreement by passing Resolution No. 2007-20 which was previously adopted at the 73rd Annual Conference in Chicago in 2005. Participating cities commit to the following:

- Strive to meet/beat Kyoto Protocol targets through measures such as anti-sprawl land-use policies, urban forest restoration and/or public information campaigns;
- Urge state and federal government to enact policies/programs to meet/beat greenhouse gas emission reduction targets – 7% from 1990 levels by 2012; and
- Urge U.S. Congress to pass bipartisan greenhouse gas reduction legislation which would establish a national emission trading system.

Member Masica asked for further information on the Kyoto Protocol. Ms. Worthington said she would provide that information. Member Masica inquired whether the proposed formation of an Environmental Commission would have this as their basis. Mayor Hovland commented that would be a good beginning. Member Masica asked what the economic impact would be if the City adopted the resolution. Ms. Worthington said upon examination of the document there did not appear to be any economic impact.

Edina High Schools project EARTH group included Kaitlin Johnson, 5221 Duggan Plaza; Jake Brownell 4505 Casco; Annisa Antar, 4428 Garrison Lane; Ian Nelson, 4505 Garrison Lane and Jennifer Heinzl, 6337 Wilryan Avenue. The group urged the Council to approve the resolution and presented a petition with approximately 400 signatures from Edina residents in favor of approving the resolution.

Paul Thompson, 4244 Crocker Avenue, congratulated the Project EARTH group and pledged his support.

Member Bennett shared a list of Ten Minnesota Cities that had adopted similar resolutions. She commented that items on the list of suggested actions were both too vague and too specific, and that approving the resolution was a good “first step” rather than adoption of an action plan.

Member Masica introduced Resolution No. 2007-20 – Local Governments for Sustainability – Cities for Climate Protection and moved its adoption. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

NEW WINE AND BEER LICENSES APPROVED FOR COOKS OF CROCUS HILL Mr.

Hughes said the Cooks of Crocus Hill, Inc., made application for a new wine and 3.2 beer liquor license allowing them to service wine in conjunction with cooking classes offered at their Edina location at 3925 West 50th Street. The application has been reviewed by the Planning, Health and Police Department with no negative findings. It was suggested since the license term was so near, that it run for 13 ½ months or until the end of March 2008.

Member Masica inquired if a separate license would better serve the applicant as wine was not being served in a restaurant setting but as a part of a teaching facility. Mr. Hughes said the City issued licenses as allowed by Minnesota Statute and he would check into the possibility of a different class of license at this location. He suggested issuing the license as requested.

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Member Masica made a motion approving the new wine and beer license for Cooks of Crocus Hill for 13 ½ months or until the end of March 2008. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Hovland
Motion carried.

***HIGHLAND PARK CELL TOWER CONTINUED TO FEBRUARY 20, 2007 Motion made by Member Masica and seconded by Member Housh to continue the Highlands Park Cell Tower issue to February 20, 2007.**

Motion carried on rollcall vote – four ayes.

REAPPOINTMENTS MADE TO HERITAGE PRESERVATION BOARD Mayor Hovland noted that at the January 16, 2007, meeting, reappointments to the Heritage Preservation Board were continued to allow one member who was serving on two boards to decide which board that they wished to continue serving. He reported the decision left an opening on the Heritage Preservation Board which had been advertised.

Mayor Hovland made a motion to reappoint Lou Blemaster, Karen Ferrara, and Bob Kojetin to the Heritage Preservation Board for terms to February 1, 2010. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Hovland
Motion carried.

***2007 BRAEMAR INSPECTION TOUR DATE SET – JULY 9, 2007 Member Masica made a motion setting Monday, July 9, 2007, for the 42nd Annual Braemar Inspection Tour, seconded by Member Housh.**

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2007-19 ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Housh introduced Resolution No. 2007-19 accepting various donations and moved its adoption. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Hovland
Motion carried.

***RESOLUTION NO. 2007-21 ACCEPTING HOMELAND SECURITY GRANT FOR EDINA FIRE DEPARTMENT** Member Masica introduced Resolution No. 2007-21, seconded by Member Housh and moved adoption authorizing acceptance of grant funds from the State of Minnesota, Department of Public Safety, Division of Homeland Security and Emergency Management.

Motion carried on rollcall vote – four ayes.

***ANNUAL APPOINTMENT OF WEED INSPECTOR** Motion made by Member Masica and seconded by Member Housh approving the annual appointment of Vince Cockriel as Assistant Weed Inspector for calendar year 2007.

Motion carried on rollcall vote – four ayes.

***RATIFY EDINA SCHOOL BOARD APPOINTMENTS TO EDINA HUMAN RIGHTS AND RELATIONS COMMISSION** Motion made by Member Masica and seconded by Member Housh ratifying the School Districts appointment at their January 22, 2007, meeting, to the Human Rights and Relations Commission of two members, Emery Erickson and Amy Frankfurt for terms to February 1, 2010.

Motion carried on rollcall vote – four ayes.

LOCAL 49 BARGAINING UNIT CONTRACT FOR 2007, 2008, 2009 APPROVED Mr. Hughes explained the Public Works and Park Maintenance Local 49 Bargaining Unit contract for 2007, 2008, and 2009. He outlined particulars of the agreement and recommended approval.

Following a brief discussion, **Member Housh made a motion approving Local 49 Bargaining Unit contract for 2007, 2008, and 2009 for Public Works and Park Maintenance.** Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

***RESOLUTION NO. 2007-25 HEARING DATE SET OF MARCH 6, 2007, FOR CONCORD AVENUE ROADWAY IMPROVEMENTS – IMPROVEMENT NO. BA-331** Member Masica introduced Resolution No. 2007-25 setting March 6, 2007, as hearing date for Concord Avenue Roadway Improvement – Improvement No. BA-331, seconded by Member Housh.

Motion carried on rollcall vote – four ayes.

METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES: PRESENTATION ON PROPOSED REGIONAL SANITARY SEWER SYSTEM IMPROVEMENTS Mr. Houle explained that the regional sanitary sewer serving the southerly two-thirds of Edina has had capacity issues for many years. The Metropolitan Council of Environmental Services (MCES) has completed a study of the I-494 corridor planning area, which included upgrading the regional sanitary sewer. Mr. Houle said staff has worked with MCES on the project and was pleased with the accelerated study schedule and the potential improvements to the system. He noted MCES anticipated a construction start by spring 2008 with completion by spring 2010.

Bill Cook, Engineering and Planning Manager for the Metropolitan Council Environmental Services presented an Executive Summary including the purpose and objective of the Edina/Richfield Interceptor Improvements Preliminary Engineering Report for the regional interceptor system in the I-494 Corridor planning area that will provide a long-term solution for wastewater conveyance. Mr. Cook spoke of the ongoing and future development that will require expansion of the interceptor system where capacity was maximized and about the conditions of the existing system. He elaborated on several gravity and pump station/force main alternatives that were evaluated to convey Edina/Richfield flow from Meter M129 to Cedar Avenue. Mr. Cook recommended that a gravity relief interceptor be implemented and gave his rationale his recommendation.

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Council members asked questions regarding the need and reason for the improvement, responsibility for financing the project, how large a population the project would could serve and about any potential environmental impact of the project. Mr. Cook answered the questions.

Russ Susag, District 5, Metropolitan Council Representative, explained funding for projects such as these came from state and federal funds. He added the building of the treatment plant/sewers was charged to the communities on the basis of usage.

No formal Council action was taken.

CITY MANAGER PERFORMANCE APPRAISAL PRESENTED; APPROVED Mayor Hovland reminded the Council that a composite of comments and recommendations received from them had been forwarded to them about the City Manager's performance. He recommended acceptance of the 3% increase in salary effective January 1, 2007.

Member Masica questioned whether the City Manager's salary cap was still governed by the Governor's salary. Mr. Hughes responded there was a different formula involved in comparing salaries and grows with a cost of living adjustment.

Mayor Hovland made a motion accepting the Performance Appraisal of the City Manager and recommended authorizing a 3% increase in salary effective January 1, 2007. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Hovland
Motion carried.

***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated January 16, 2007, and consisting of 30 pages: General Fund \$148,918.77; CDBG Fund \$3,000.00; Communications Fund \$10,983.00; Working Capital Fund \$225,972.86; Art Center Fund \$2,968.20; Golf Dome Fund \$19,403.71; Aquatic Center Fund \$7,054.44; Golf Course Fund \$17,998.39; Ice Arena Fund \$12,127.62; Edinborough/Centennial Lakes Fund \$8,609.69; Liquor Fund \$153,003.08; Utility Fund \$384,101.74; Storm Sewer Fund \$735.91; Recycling Fund \$33,958.00; PSTF Agency Fund \$1,621.27; **TOTAL \$1,030,456.68;** and for approval of payment of claims dated January 24, 2007, and consisting of 21 pages: General Fund \$552,113.56; Communications Fund \$16,817.18; City Hall Debt Service \$495.00; Working Capital Fund \$804.02; Art Center Fund \$3,530.35; Golf Dome Fund \$128.39; Aquatic Center Fund \$119.74; Golf Course Fund \$5,399.04; Edinborough/Centennial Lakes Fund \$17,585.45; Liquor Fund \$125,144.89; Utility Fund \$27,773.55; Storm Sewer Fund \$12,832.00; **TOTAL \$762,743.17;** and for approval of payment of claims dated January 31, 2007, and consisting of 32 pages: General Fund \$471,622.52; Communications Fund \$4,702.14; Working Capital Fund \$54,359.80; Art Center Fund \$10,207.57; Golf Dome Fund \$876.66; Aquatic Center Fund \$382.00; Golf Course Fund \$8,794.57; Ice Arena Fund \$3,818.09; Edinborough/Centennial Lakes Fund \$18,099.62; Liquor Fund \$107,061.99; Utility Fund \$29,601.00; Recycling Fund \$20.00; PSTF Agency Fund \$2,037.94; **TOTAL \$711,583.90.**

Motion carried on rollcall vote - four ayes.

RESOLUTION NO. 2007-22 APPROVED - AMENDING THE 2007 OPERATING BUDGET Mr. Hughes indicated when Council salaries were increased by Ordinance in October, the increase was not reflected in the budget adopted on December 16, 2006. He recommended approval of Resolution No. 2007-22 Amending the Budget for 2007.

Member Masica made a motion approving Resolution No. 2007-22 Amending the 2007 Operating Budget for 2007. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

FIRST READING GRANTED TO ORDINANCE NO. 2007-02 AMENDING SCHEDULE 185A WATER RATES Director Wallin presented Ordinance No. 2007-0, amending utility fees and charges proposed for 2007 for commercial and industrial properties. Under the Ordinance approving utility rate increases on January 16, 2007, the commercial and industrial water rate was set at the same three tiered rate as residential. Due to volume, the Commercial and Industrial property use, most water used by these properties would be at the highest tier leaving large increases along with increases in storm water fees. Previously, a discussion was held on the Commercial and Industrial lawn watering and the Ordinance reflected these amendments.

Member Masica asked if a comparison was done to other cities. Mr. Wallin said fourteen cities responded to surveys. He gave detailed survey results. On average, the rates ranged from \$1.15 to \$1.56 on a tiered system.

Mr. Hughes noted the Ehler's rate study assumed the City would use the lowest rate for Commercial and Industrial properties

Member Housh made a motion granting First Reading to Ordinance No. 2007-02, Utility Fees - Commercial and Industrial. Member Masica seconded the motion.

Member Bennett stated that the two reasons given by the Ehlers report for adoption of a three-tier system, encouragement of conservation and allocation of system costs to heaviest users, should apply equally to commercial and industrial and residential users. Following a the discussion, Mayor Hovland called for a vote on the motion.

Ayes: Housh, Masica, Hovland

Nay: Bennett

First Reading granted.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:13 P.M.

Respectfully submitted,

City Clerk